

SINGLE BENCH

CF 1002 (4)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT
BILASPUR

W.P. (S) NO. 227 / 2007

Petitioner

P.R. No. 109/07
Presented by Shri. H. P. Jha
dated 3/11/07

Divya Sharma @ Nitasha Trivedi,
D/o Late J.P. Trivedi,
Aged about 30 years,
R/o Qr.No.318, Sunder Nagar,
Raipur, Dist : Raipur-(C.G.)

Versus

Respondents

1. State of Chhattisgarh
Through : The Secretary
Home Department, D.K.S.
Bhawan Raipur,
Dist : Raipur-(C.G.)
2. The Director General of Police,
Raipur, Dist : Raipur-(C.G.)
3. The Dy. Supdt. of Police
M.T. W/S (Workshop) Bilaspur,
Dist : Bilaspur-(C.G.)
4. Dy. Inspector General of Police,
Raipur, Dist : Raipur-(C.G.)
5. State of Madhya Pradesh,
Through - Secretary,
Home Department, Bhopal-(M.P.)
6. Dy. Inspector General of Police,
Head Quarter - Bhopal,
Bhopal-(M.P.)

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WRIT PETITION U/A 226 / 227 OF THE
CONSTITUTION OF INDIA

1. Particulars of the Petitioner.

As per cause title

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 227 of 2007

Petitioner : Divya Sharma @ Nitasha Trivedi
Versus
Respondent : State of Chhattisgarh & others

Shri H.P. Agrawal, Advocate for the petitioner.

Shri Satish Gupta, Deputy Government Advocate for the respondents No. 1 to 4/State.

None for the respondents No. 5 and 6.

ORDER

(Passed on this 18th day of January, 2007)

1. The father of the petitioner namely Shri J.P. Trivedi, was working as Sub-Inspector in the office of the respondent No. 3/Police M.T. Workshop, Bilaspur, when he died on 14.8.97 in harness. The daughter of the petitioner namely Divya Sharma @ Nitasha Trivedi moved an application for compassionate appointment on 5.10.97 (Annexure P/3) and thereafter representations dated 18.9.2001 (Annexure P/5) and 28.3.2005 (Annexure P/6) were made. She was not granted compassionate appointment and she did not challenge the same.
2. According to the petitioner, she is the only issue of her parents and since her mother had died on 6.8.1976, now she is the only legal heir of her father late Shri J. P. Trivedi. The petitioner got married on 3.7.1998 with Shri Sunil Sharma. The petitioner has filed this

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petition seeking a direction to the respondents to grant compassionate appointment to the petitioner.

3. It is well settled that the appointment on compassionate ground is not a method of recruitment, but, is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. It is also well settled that mere death of the employee does not entitle his family to claim compassionate appointment if the family members could sustain themselves financially from other sources of income.
4. In **Haryana State Electricity Board and another Vs. Hakim Singh** { (1997) 8 SCC 85 } the Supreme Court held that "the whole object of any compassionate appointment scheme is to give succor to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member."
5. The Supreme Court in the case of **State of J & K and others Vs. Sajad Ahmd Mir** { (2006) 5 S.C.C. 766 }, in para 11 has held as under :-

"11.....it is that such an appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling

circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

6. In view of the above settled principles of law, there is no merit in this petition. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Babloo